

REMARKS

This is in response to the Office Action mailed on October 22, 2004, and the references cited therewith.

No claims are amended, canceled, or added; as a result, claims 18-52 remain pending in this application.

§103 Rejection of the Claims

Claims 1-52 were rejected under 35 USC § 103(a) as being unpatentable over Friedland (U.S. 6,449,601). It should be noted that claims 1-17 were cancelled by way of a preliminary amendment filed January 12, 2001. Accordingly, claims 18 – 52 are currently pending in this continuation application.

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

U.S. patent no. 6,449,601 to Friedland was issued on Patent application serial no. 09/231,127 filed Dec. 30, 1998. This application did not claim priority from any earlier patent application.

This present application was filed as a continuation of, and claims priority from, U.S. Application No. 08/624,259, filed March 29, 1996, and which issued as U.S. Patent No. 6,243,691 B1 on June 5, 2001. All the claims of the present application are based on the disclosure in the patent application.

As the Friedland patent was filed after the priority date of the present application it does not qualify as prior art under § 102 and cannot, singularly or in combination with any other teachings, anticipate the claims of the present application.

In light of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been also been overcome, and withdrawal of this rejection is therefore respectfully requested.

In view of the above error, the Office Action should also be withdrawn, which is also hereby earnestly requested.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-705 2698 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

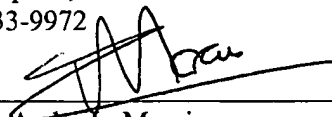
ALAN S. FISHER ET AL.

By their Representatives,

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Date 01/10/2005

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of January, 2005.

Peter Rebuffini
Name


Signature